1894-95
(L R.)

File No. 135 of 94
Serial No. 1 to 7

sub:- Appeal of Narasigra Rau regarding the Shanbhog- of Hulkurki Amani-kere and other villages in the Tiptur Taluk.

P. F. 56 of 95

G. R. S. IX-5]

Previous references.

L. R. 58789.

1894-95
~~192~~
(L. R.)

File No. 135 of 94

Serial Nos. 1 to 7

Later references.

L. R. 66 of 1900.
L R 272 of 2156/-5

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 7

M ~~Part~~ B for February 1898.

SUBJECT.

Appeal of Narasinga Rao, ~~Dispute~~ regarding the Shanbhogi of Mulakuzhi Amanikere and other villages in the Tiptur taluk

---

WD 2233-7 PB.--20,000--14-6-20

Indexed

Appeal No 1 of 1894-95

Appellant

1 Narasingam &c

2 Venkatsin

3 Venkatrangiah

Minors by guardian

Venkamma

represented by her

Vakhapatria

Respt

1 Kshetrapalaiah

2 Subbamma, Widow

represented by

her Son Srinivasayya

Ryapta, the father of the 1st Respt was the hereditary Shanbhog of Amanikere & Hulikiki & other villages. He was dismissed from office in 1887 on the ground that he received money from Ryots illegally & a substitute was ordered to be appointed temporarily & reported for Confirmation. 1st Respt was then a boy of about 5 years of age. ~~The Collector of Tumkur in his report says that he formerly~~ ~~has been dismissed from the office~~. A stranger named Venkatagiriyappa was appointed but he ~~was assigned the office~~, was removed, & another man named Narasabba was appointed in his place. He resigned the office, & Ramanna the father of the Appt was appointed in 1842 & he

to the duke

title 20th April 1890 when he

died.—

On a Petition presented

by 1st Respt in 1889, Court

decided that 1st Respt

should be regarded as Shaikhzada

Ali as her father Shaikh Zahra who

had been divorced was then

alive, he should not be allowed

to enter upon the duties

of the office title his father elder

Shaikh Zahra having succeeded

1st Respt was put in possession

of office in October 1891.—

Appellants brought a

suit for the office in January 1893,

& the Asst Comr who heard

the case decided that both the

Appts & Respts might be treated

as equal shareholders, but the Dy

Comr dismissed the Suit on the

ground that the Govt having

recognised the right of the original

shareholders, Appts have no

right to set up any claim to

the office The appeal is

against the Decree.—

Appellants

Whether at the time Whitefoot was
dismissed it was intended to deprive
his family of the hereditary right
not it was competent for
at any time during the life hold
the dismissed man to resume
punishment so as not to deprive
sons of the land. This is what was

3

Contention (1) that
Mr Fallen having been
appointed ~~unlawfully~~
unconstitutionally, he should
be supposed to have acquired
hereditary rights, (2) that if Mr
Appl was appointed to the office
before Govt passed Mr
-ader in July 1890 that therefore
the right which vested in him
could not be taken away
from him & (3) that there
was a ~~[illegible]~~ caveat of the
Respts claimed the office in 1856,
his claim was not recognised.

The whole case
depends upon whether —
it was the intention of Govt to
deprive Mr James of the Rest
of the term in the office when the
Warrant was dismissed. Govt has done
or nothing on record to show
that such was the intention of
Govt in their P.O. dated
Dec 1881. Govt Ruled

For Grant
for the
Appt
matter
ab

1 or that the office was enjoyed or applied for Mr Fallen with hereditary rights

that except in extreme
Cases, the families of
Charbhogees ought not to
be deprived of their rights
to the Office, & that if a
stranger be appointed he
cannot well necessarily claim
a hereditary right in the Office
Consistently with this view,
Govt thought proper to allow
the Respt to be restored to
Office on the death of her father
& the Appt to have certainly
no right to bring a Suit in a Case like this
against persons who have been
put in possession of the Office under
the orders of Govt — the
Appellants appointment —
to the office while the Petitioner
of the Respts was pending
cannot confer any right
upon him & the Dy Comr
was quite right in dismissing the
Suit — the appeal is
dismissed.

8/9/94

Hrs is informed
that his appeal
has been
dismissed.
LPS

This case was
[illegible]
the [illegible]
Respt was [illegible]
one daughter
[illegible]

Proceedings of the Dewan to His Highness
the Maharaja of Mysore

Read:-

a letter No. 691-10, dated 5th February 1881,
from the Deputy-Commissioner, Bangalore
District.

No. 927-84—17, Dated Bangalore,
9th May 1881.

Order thereon.— In cases like the one
under notice where a Village Shanbog
or other official holding a hereditary office
has to be dismissed on account of an
offence, it is not proper except in extreme
cases that the family should be altogether
deprived of their right to the office by
the unqualified appointment of a stranger
to it. Nor could such a new nominee
claim a hereditary right in the office.
The proper course to pursue in the event
of undivided members with totally
separate interests being available is to
appoint to the office a stranger for a
limited period, say 10 or 20 years, with
the reversion of the office at the end of
that

that term to the heirs of the dismissed official.

2. The Deputy Commissioner is requested to adopt the above course in the case under notice, and to restrict the term of the dismissal of the Chaukidar to a period of 15 years.

By Order,
R. Nagendra Rao
Secretary.

To - The Deputy Commr., Bangalore Dist.
Deputy Commrs of other Districts

"True Copy"

7

1894-95

Municipalities & others v. Rathmines

Mr C. Sabapathy for appellants

Mr L. Pracontal Siganporia for Resp

Mr C. Shah

In 1837 Rathmines was incorporated for the purpose of lighting, watching & paving the town. In 1847 it was extended & in 1862 Harrington was added. In 1891 Rathmines was constituted a township & in 1894 the Commissioners became the Council.

In 1856, the Rathmines Commissioners (being) desirous to be reinstated, took their stay & on the 11 Feb 1858, Dodd ordered that the claim should be rejected

affirmed to avoid the affirmance was made pending confirmation

The whole question is a construction of the order affirming Plff's petition

The rule of law is - his petition - the order said that the Rate was to be the Rate after the 1st Nov 1894. The Question is if the Rate was that Plff petition was filed he might not have proceeded under

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Rev. Case no. of 1893-94

on the file of the Zilla Court-

Plaintiffs

Narasingaraya & others vs. Defendant-

Kahebrāpalia

Answer of the Defendant-

1. As the Case has already been decided by the Dewan the present Suit is barred by res judicata and the Suit is not therefore admissable.

2. The right to the office of Chandoya under dispute is not hereditary to the family of the Plaintiffs. Nor has the Plaintiff held the office continuously from 1842 to 1890.

3. The Bark belongs to the Defendant.

4. Since the defendants father committed a Criminal act the ~~Defendant~~ the Defendant was not granted the office during the life time of his father but merely the Bark to it was conferred on him.

5. There is no cause of action for the Plaintiffs to file this Suit against the Defendant Since the Same Govern-ment which nominated the Plaintiff

er merely to conduct the duties
ested in the Board of
the government will have to be
ken as a party to this suit if it has
ped a wrong order.

. As the defendants father had com-
mitted a criminal act the government
by way of punishing him had termi-
nated the plaintiffs father to conduct
the duties during his (defendants) life
time. But according to the recent
proceedings of government the plaintiffs'
father was considered to be a fugitive
and he was made to hand over charge
of the office to the defendant.

8. The plaintiffs have no right to
nullify the defendants act

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O. S. No. 1872-73 in the file
of the Court of Common
Pleas.

Plaintiffs.

1. Rawlings Bros. } vs.
2. Rawlings Bros. }
3. Rawlings Bros. }
(Names of parties
to the Balance
pending in said
Court.)
4 Subscribers
hereunto by
the Sheriff

Defendant

Subscribers
to the writ
pending in
said Court.

The Plaintiffs state as follows:-

1. The Defendants have, by the
use of Mechanical Ingenuity &
Contrivance procured said Letters Patent
to issue, as in said petition alleged
& have since manufactured & sold
divers pieces of Machinery as in said
Petition described, & which infringe
said Letters Patent. Subsequently to
the Plaintiffs' purchase of their
Patent Rights as in said Petition
alleged & the said Letters Patent
were duly issued & delivered to
the Plaintiffs, to wit on the 20th
April, 1870 and subject to the terms
& conditions in said Letters Patent
& the Statutes of the United States
in such case made & provided. The Defendants
after the Plaintiffs' purchase became

a full hearing at the office.

2. On the 18th July 89 and during the
life time of Plaintiff father Ramanna
the deceased received petition in
Miscellaneous Case against this
office should be rejected, in turn the
Dy. Commissioner received dismiss
petition in M.C. 89 declining
to grant the request. The defendant
then appealed against the above order
to the Court. Before the Miscellaneous
appeal was heard the Plaintiff father
Ramanna died.

3. Afterwards on 22nd July 89
the deceased heard the appeal
Court passed order that the office should,
on the death of deceased father, summons
the two brothers and defendant,
the plaintiff & the defendant. Accor-
-dingly the defendant father and
Venkatappa were summoned
Consequently the decree of the
office to the defendant.
The case passed in Miscellaneous
Case No. 89 and then in the regular
Suit.

4. The Plaintiff sued, laying
Claim to the office in the name
of Venkatal-

VI

5. The Clerk of Court pro. tem. shall
keep a record of all
6. Upon the discontinuance of
Plaintiffs pecuniary interest
that the Court may proceed
declaring that the office of Plaintiff
has terminated and declaring
Either in his name, that the Plaintiff
or in the name, &c. of the Plaintiff
the Court may deem proper, that
the Clerk of the Court shall deliver
over to the Plaintiff, or to any
Plaintiff, that the Plaintiff shall
receive the Recognizance taken
to the Court and that the Defendant
should bear all costs of Suit.

dicty Villages, Parishes and Villages
Villages of Dijkst Court.

1. Kalevalalli
1. Rajasaari
1. Ivanajoendralli
1. Laidunalli
1. Kaapilalli
1. Jaadikalle
1. Kallioville Kaarnatie

Total Villages

Section 20. Upon the Death of any Person
who shall be entitled to any Legacy
or Annuity under this Act, such Legacy
or Annuity shall be paid to the Executors
or Administrators of such Person.

And be it further enacted, That if the
Amount of any Annuity granted by this
Act to any Person, his Wife and Issue of the
Marriage, shall not exceed Twenty
Pounds per Annum, then the Amount
of such Annuity shall be paid by
Bankers Notes for the Sum
by the Person entitled to receive the same.

Section 21. And be it further enacted, That
all Annuities granted by this Act, shall be
subject and liable to Income Tax, and
shall be assessed and charged with the
Duties imposed by any Act of Parliament
now in force for granting
Duties upon Annuities, or upon Persons
in respect of Annuities, and shall
be subject to Deductions for the same
Duties, in like Manner as other Annuities
are subject by Law.

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Appeal No 1 of 1894-95.

Appellants.	Respondents
1. Narasinga Rau	1. Khetrapalaiya
2. Venkat Rau	2. Subbanna
3. Venkat Rangaiya minor by their mother & guardian Venkamma	

This appeal relates to the Shanbhogi of Halkurki Amainkere and six others villages, in the Tiptur Taluk

2. Appellants are the sons of one Ramanna, who held the Office from 1842 to 18[illegible]. The 1st Respondent is the son of one Bhairappa, who, as Hakdar, held the Office before 1842, and was dismissed in that year for having illegally exacted money from ryots. The 2d Respondent is a nephew of the said Bhairappa. The appellants are in no way related to Respondents.

3. There were no Jodi lands attached to the Office. Prior to Pakka Potiji Settlement, the Shanbhogi used to get 15 annas

Submitted to the Hon'ble Councillor

7/2/96 HCL

Vide any order on slip appended. Report for by whom are they (Mahars) exempted. Worth taking fees on Ecclesiastic Suit 7/2/96

per mensem. ~~The proceedings do~~
not show what
~~Potaji, the~~ pay was fixed at the
~~Rs 10 8~~ Pakka Potaji settlement

4. On the eve of, or after,
the Pakka Potaji Settlement
in 1886, the Respondents submitted
petitions praying for recognition
of their right; but the Dy:
Commissioner held, in July
1889, that Bhairappa lost the
appointment several years
ago, and that Ramanna's
long enjoyment could not
be disturbed. On appeal,
the Government directed[x]
the registration of the Office
in 1st Respondent's name,
but prohibited his entering
upon the duties during the
life time of his father Bhairappa
The 1st appellant {who, on the death of his father Ramanna, on the 20
during the pendency of the ap
seems to have been reg
Shanbhog, and wh
who also
had been made a party to
that appeal, prayed for
reconsideration of that order,
but the Govt, in rejecting
the application, observed that
the applicant (1st appellant)
had no right to the Office.
The contention of the 1st appellant
was that the family of
Bhairappa had lost the
hak and that it had

[x] 23d July 1890

bille jeunes pour une injection de mer
une petite goutte de lait

15

Operation of Military Courts
Common before the Civil
Tribunals in Belgium

The Civil Courts have
taken Cognizance of
Cases of Persons
charged with Military
Crimes & Offences, &
Persons not Subject
to Military Law,
and Persons in the Military
Service have been tried by Civil
Courts - Consequently Persons
who Commit Crimes & Offences
Civil & Common Law Punishable
Offences, should be apprehended
& punished. As in England
- for many Crimes that in England
have been

was appointed, two Shanbhog
appointed by Government
had held the Office for short
periods and resigned it. When
conferring the appointment
on Ramanna in 1842, the
Superintendent had, under
his consideration, the question
whether the heirs of Bhairappa
might not be appointed.
The acting Amildar had
reported that the Patel
and villagers were averse
to the appointment of
Bhairappa's heirs, and the
Superintendent stated that
if that was the case, Ramanna
should be appointed to the
Office and entered in the
Buruward as a new nominee
[(Rava Inulâjam tarik)
6-4-42]. Ramanna was
thereupon appointed under
Amildar's order dated 20-4-42,
and he held the Office un-
interruptedly ~~[illegible]~~ up to 1856,
when, on his taking up the
post of Shekdar of Banva-
manya Santvalli, the
Apt Superintendent sanctioned

the Amildar's recommendation in favor of one Bhairappa who was a cousin of the dismissed Shanbhog Bhairappa But Ramanna appealed to the Superintendent stating that he ceased to hold the Shekhdari and that he would personally look after the duties of the Shanbhogi, whereupon the Superintendent seems have called for the Amildar's explanation in regard to his conduct in recommending Ramanna's removal and the appointment of a relation of one who had been dismissed twenty years ago, and he finally directed the reappointment of Ramanna in February 1858. The latter personally held the office from 1858 to 1883, when, on his representation that he was old and shortsighted, his brother-in-law Chik Ramanna was appointed to act for him as his gumasta.

all

The original or a certified co
order is not in the Records
The deceased Ramanna p
with his petition of 11 Aug.
an uncertified copy of it
is in the file. This bears
date the 28 July 1856 & stat
the orig. is signed by Capt. D
Pt. Munshi Solomon Pille
Sheristedar Narasimhiengar
clear if any endeavour
to find out the original.
gives all necessary details
enquiries it has been
need. If directed the orig
sent for
BR

9. In support of his contention that Ramanna's sons have a hereditary hak, the

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Deposition of Caroline Chaffey
of Lemon Village Kaduna taken before
Lieut. Boisragon Acting Commissioner
Benin City on 8th August 1888.

My Husband's father came to
Village was first converted in the
1842. Subsequently he was baptized
Confirmed at the native Church
by Bishop Crowther. I was married
Mission of Lagos by Archdeacon Crowther
1866 Afterwards I began to live
Bishop's Compound. We resided
the early part. I do not know
our Church Mission there. I
was a Catechist there until we
to Lokoja. I was ordained Deacon
Lokoja by Bishop Crowther
which were in the Lokoja Mission.
I was stationed at Onitsha
Bishop's Compound with
Augustine the Catechist etc

would fail of the Liberality of the Lieutenancy of Village. Since then I have complained about the Smallness of Manuscript and Letters of the Alphabet of Lieutenancy of Village. I am confident that I have performed the Duty of the Office, I pray that I may be called to the Office of Lieutenancy because the Office was conferred on me by Commandment, I have diligently the duty for a Year Complete, but I be put to the Office of Lieutenancy by Magistrate. Excepting the Petition which I have already delivered [illegible] I have also Lieutenancy Letter of Lieutenancy to Commandment of the Office of Village I have not been provided with Lieutenancy Letter of Lieutenancy Manuscript.

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been conferred on Ramanna absolutely.

5. On the death of Sivarappa ~~[illegible]~~ the 1st Respondent was put in possession of the Office in October, 1891.

6. The appellant in execution filed a regular suit for the recovery of the Office. One Subbanna a step-brother of the appellant's was added as a supplemental Plaintiff to it, and the Assistant Commissioner, who tried the suit, ordered that both the parties should be entered in the Register, as entitled, each, to a half-share; that the 1st Respondent who had been already put in possession should continue to hold the Office, and that on the occurrence of a vacancy, the choice of the Plaintiffs should succeed to it. Both the parties appealed from that decree to the Asst. Commissioner and that Officer held that the Government had "mercifully modified the order of dismissal and restored the dismissed

on 1.7.93

made out to the effect that there was therefore no ground for the Plaintiffs to claim it. He accordingly dismissed the suit with costs. The appeal is from this order.

7. At the hearing, it was urged on behalf of the Plaintiffs (appellants), that their father Ramanna had acquired a hereditary title, and that the claim of the Respondents was res judicata inasmuch as it had been disposed of finally in the order passed by General Cubbon in 1855. It was urged on the other side that Ramanna's appointment conferred no hereditary title on the Plaintiffs and that no suit could be maintained to set aside a discretionary order passed by Government.

8. The circumstances relating to the appointment of Ramanna are as follows:—

Bhairappa was dismissed in 1837, and between 1837 and 1842, when Ramanna was

Linnappa & Virupakshappa
and another.

The Respondents as Grama Shanbhogs were recognised at the Potigi Settlement. The appeal of appellant (Maganni Shanbhog) on the miscellaneous side was, after hearing both parties, rejected by Govt. (1st & 2d Councillors) in August 1889. The appellant then filed a regular suit and the matter again came before Govt. The decision deals with the case on the merits and towards the end it states "the matter is one which had been already adjudicated upon finally by Govt so long ago as 1887 and the suit was therefore rightly dismissed."

There may be several other cases which came up on appeal before Government and in which suits had been entertained to set-aside miscellaneous orders. It will take up time to pick them up. I recollect the Revenna

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w references since found are:—
Appeal No 35 of 1891: Virappaji & Ramappaji
decision in which, in favor of the contention that a regular suit lies, is noted
ed vide at pages 8 and 9.
Appeal No 8 of 1891: Rettamma &
Subrahmanniaya & others.
In this case Rettamma claimed the Shanbhogi
Vesture by a mis: Petn: The Dy Com: disallowed
claim. On appeal the Govt (1st Councillor
Hon'ble Mr. Chentsal) observed— "There
nothing to show that appellant has any right
office or that he ever exercised the duties
the office. The appeal is therefore dismissed"
No dishonour of the appeal Govt remarked
appellt was at liberty to establish his
if any, by a regular suit.

(councillors holding that such a suit does not lie, but I have not yet been able to pick up the references

13 The questions for consideration are :—

(1) whether the Plaintiffs, or any of them, are entitled to succeed to the Office,

(2) whether their claim or the claim of 1st Plaintiff is res judicata (The 2nd and 3rd Plaintiffs were not parties to the Miscellaneous proceedings)

14. It may be noted that in the course of the arguments the Advocate for appellants in the present case urged that at least the decision of the Court of first instance making both the parties headmen might be affirmed.

Submitted for orders.

6/2/96

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Appellant's counsel cites the decision of Government dated 15-12-92 in the case of the Shanbhogi of Arialagipe and other villages in the Tiptur taluk. It was held therein that "at that time (1853) there was no rule about the dismissal of offending Shanbhogs for a term only as ordered in 1881 for the first time" and that "an unqualified dismissal of a Shanbhog and the appointment of a stranger to succeed him without any expressed limit of time must be held to operate to deprive the dismissed man's family of the right."

In a case decided by the Deputy Commissioner of Tumkur in 1894 (Mr. Hayavadana Rao Manjaya and another), it was ruled that when the appointment of a Patel was unconditional & there was nothing to show that his appointment was only for life the natural presumption was that it was appointed with hereditary right.

In that case there was apparently no hereditary Patel in the village, but others had succeeded to Patel's office & appointment was in question

BK

10. The circumstances of the Arialagipe case were similar to the present case. In that case, the Hon'ble Mr. Bernard from whose view he has taken in this, viz. that as Govt. Order does not say that the dismissed man's family has been deprived

of the Act, it is possible the appointment of the Manager was intended to be only a temporary arrangement, but the 1st Councillor differed from that opinion and the Devan, to whom the file was submitted, agreed with the 1st Councillor. The order passed by Govt on the Miscellaneous side in the present case was before the Devan in the Kolagripe case and he recorded the following opinion in regard to it:—

"The ruling proposed by Bombay Electoral Rep would lead to unsettle the whole service. This case arises from ruling in Sa 2080 of 1883 (the Miscellaneous appeal in the present case)"

10. As regards the question raised by the Respondent's advocate, viz whether or not the present suit is maintainable, the Pleader for Electoral Rep remarked at the hearing that a Miscellaneous order was only an ad interim order [illegible] towards the conclusion of the draft order recorded by that Officer on 3-9-94

[illegible] This view is in consonance with the decision of Govt in appeal No 35 of 80 (Virabhadrappa & Channabasappa). In that case, upon a Miscellaneous appeal presented by Virappa to the Govt (Bombay) ordered, 25 April 1855, that Channappa, a relation of the family who was in possession of the Office (Patel) since 1811, could not be dismissed, & that Appt Virappa's claim must

Might be this last consideration when the writ petition received. Singhji then filed a regular writ petition - was dismissed on the preliminary ground that the dispute had ceased to exist till a treaty recognised the appeal the Govt. (Jamnagar State) decided that the dismissal of the writ petition" and that "an order passed in a miscellaneous petition cannot be a bar to the hearing of a regular suit". The suit was accordingly remanded, in appeal on this

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that effect states as follows:-

"Consistently with this view (i.e. that under the impugned order of '33) a stranger cannot necessarily claim a hereditary right to Government property, it is open to him to allow the respondent to be restored to office on the death of his father, and the appellants have certainly no right to bring a suit in a case like this against persons who have been put in possession of the office under the orders of Govt."

12. This question is under consideration in another case before Govt, heard by the 2nd and 3rd Councillors (Ganapatrao & Ramanarao Raja and others). The appellants advocate therein urged that there were instances of cases disposed of by Government in which suits to set aside miscellaneous orders passed by Govt, had been entertained. The advocate who took time to cite references said he was unable to give particulars of the cases he referred to. I

Appeal in a Regular Case

In time

Stamp sufficient

1) Call for Proceedings

2) Issue Notice to both parties

D.J 20/7

S.V.R 17/7

Posted to 23 Aug

DJ 18/7 Notices issued 25/7/94.

L. R. 135-94-1

(General Serial No. 32.)

1894.

No. 12

Name of Petitioner. Narsinga Rao, Venkata R + Venkatalangiah, minors by guardian + mother Venkatamma by Pet'rs & Subbaraiah Pillai Ba...

Village.

Taluk. } Bangalore

District. }

Date of Arzi. 29-6-94

Date of Receipt. 3-7-94

Date of Disposal.

No. of Enclosures. three

ABSTRACT.

Appeal against the order of the Deputy Commissioner in Revenue Appeal case No: 12 of 1893-94 in re the Shanbhagke of Hulkurke Amanik + six other villages in the Sipsur Taluk

The grounds of appeal + the order appealed against are in English

D.J. 6/9.

caused a search to be
made in the records
for cases of the kind
referred to and left to the
the following cases have
been found:—

(1) A.S. No 141 of 1892-93
Ramachendrabhan and
others Vs Ananta Jonda.
Appellants claimed the
Patil of Kalas first by
means of Privi: application
The Government (1st and
2d Connections) passed the
following final order
thereon on 30-10-91 after
hearing Appellants advocate
"Petitioners claim was
rejected by the Asst Commr
so long ago as 1882. The
case cannot now be
reopened". Appellants
then filed a regular suit,
and the case again came
before Govt on appeal.
The decision of Govt deals
with the merits of the case
in regard to the question
of limitation and not
with the question of
res judicata. This
question was probably
not ~~argued~~ raised.

(2) A.S 64 of 1894-95.

Please include
exhibits D, E, F, 405
Plaint & Written Statement

30/7

L. R. 135-94-3.

(General Serial No. 30.)

OFFICE OF THE
1894
26 JUL 94

1894. 95. Pet 56.

From The Deputy Commr
Tirumakudal District

To Govt

The Chief Secretary to the ~~Deccan~~
of Mysore.

Dated 23rd
Despatched July 1894.

Received

Enclosures No. Records

General No. 99

His Official Memo
No. Pet 114 dated the 19th
instant.

Submits the entire
proceedings connected
with the Shanbogue
ship of Hallimitté
Annamitéré and 6 other
villages in the Tipturu
Taluq.

Pet 40
26/7/94

No. 4

Deputy Commissioner's O
Tinnevelly Distr
Dated 23rd Ju

To,

The Chief Secretar
the Government of Mysor

Sir,

As required in your
Official Memo No. Pet
114 dated
19th instant, I have the honor
Submit herewith the entire
proceedings connected with th
Shanboque Chip of Dalkuriki
Amanikéré and 6 other villag
the Tiptur Taluq. —

2. The enclosures of the Offi
Memo under reply are herewi
returned. —

I have the honor to be,
Sir,
Your most obedient ser

Deputy Commissi

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Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 1 of 1894-95

Appellant. 1. Narasinga Rau Vs. 1. Kshetrakalamma Respondent.
2. Venkatramanja
3. Venkatakrishnaja
by their guardian
mother Venkamma

Both parties served.

~~Decree~~ 20 Feb. 1896.

1st Appellant in person
his mother guardian
Respondent in person.
Argument heard
Order reserved —

Plaint as in
Suit Adopt the decree
dismissed from Chamarajanagar
Court with full costs

AT
20/2/96

I would not go into the facts at all - Mr. Sorabji's order passed in 1890 is final and in my opinion there can be no suit to set aside that final order. Basing that decision upon this ground alone I agree & the present suit be dismissed - A short order will do in my opinion -

21.2.96

the documentary evidence adduced in the case.

6. That the office has come to Plaintiffs by right of inheritance, and it has been in the family for 50 years.

7. Now, to deprive the family of the office for no fault of theirs on mere Miscellaneous Proceedings would amount to Serious hardship and injustice unprecedented in the records of Government.

8. The applicability of the Limitation Act on the Revenue Side is completely set aside by this decision; it would therefore be a violation of the existing laws and rules in force in this Province in Revenue matters.

Chidapatha Iyah
Bar-at-Law & Advocate
Counsel for Apptts.

Bangalore
29th June 94.

3

Peter 16 25

Signed

Witnesses: many
hearers but no
Disciple

Mean have
all the hearers
deserted Christ
in their
minds

29.1.98

1) Finish

I Line (completed the 1st file

(2) = complete the 1st file.
& return the ref file to the

Records
* attended to
AK 15/2/98

31/1/98

Ref ended put up

21/2/98

3

Cer
114

21-7-94

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

35

OFFICIAL MEMORANDUM.

The accompanying Petition No. 12

dated 24 "June 1894 received at the

Dewan's Office from Ramanna &

2 Ors. of Hirehalli Taluk

Tarikere, appealing against

the Dy. Commissioners decision

in A.S. No. 12 of 1893-94 regarding

Restoration of Hariharpur

Umamane & 6 other villages

L.R. 135-94-2

is forwarded, together with its three

enclosures, to the Dy: Commr

Tumkur for

Submission of the entire

proceedings connected

with the case on or before the 31st

2. The petition with its enclo-

sures should be returned

By Order,

Chief Secretary.

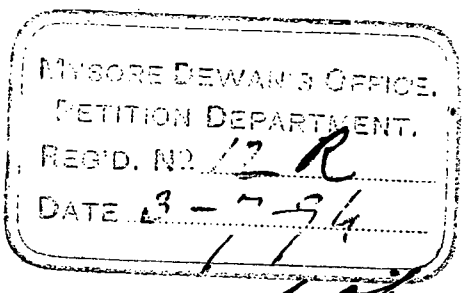
BANGALORE,
July 1894

24

21/7

21/7

M.G.C.P, Bangalore.—3-5-94.—1,000.



12
Enclosure 3.
13-3-96

Before the Government of
His Highness the Maharajah
R. S. No 1 of 94-95 of Mysore
Revenue Appeal No: of 93-4

Before the Court of the Deputy Commr
of Tumkur.
Rev. Appeal case No: 12 of 1893-4

Before the Court of the 2nd Judicial Com
of Tumkur.

Revenue Original case No: 3 of 1893-4

1. Narasinga Rao
2. Venkata Rao
3. Venkata Rangaiah
minors by guardian
& mother Venkama

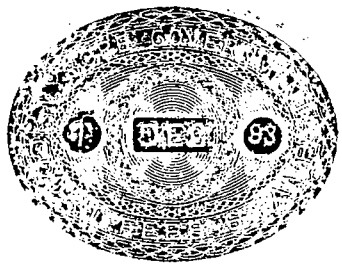
} Pltffs- Respts- Appts.

vs

1. Kanchappaiah
2. Lakshamamah

} Deffts- Appts-Respts.

The Plaintiffs above named
being dissatisfied with the decree of
both the Lower Courts beg to appeal
to this Honorable Court
for the following among
other Reasons:—



39. That the Lower Court erred in holding that both Plaintiffs and Defendant have equal claims to the office of Chamberlain.

2. That the Defendants are declared from holding such office owing to the criminal act of the Executor.

3. That the order of Captain Dobbs dated 6th April 1842, (Exhibit F) should not, if valid, be construed as giving any right that may be possessed by the sons here also expressly set aside and that thereby the office with the Income here unjustifiably taken away from the family.

4. That the Government Order No: 2130 dated 19th December 1889, appointing the 2nd Defendant was one of a Miscellaneous nature revocable by a decree on the regular side.

5. That both the Lower Courts did not take into consideration

The

Before the Government of ~~His Highness the Maharaja~~ of Mysore.

41

Appeal No. 1 of 1894-95.

(20)

Appellants	Vs.	Respondents
1. Narasinga Rau		1. Kshetrapaiah
2 Venkatramaiya		2. Lakshamma
3 Venkatarangaiya by their guardian and mother Venkamma		

Decision.

L.R. 135-94-4

The 1st Respondent's father Shivarapa, who was the Shekdar Shanbhog of Nallanka Annambera and other villages, was dismissed in 1837 for having exacted money from ryots. On his death, which occurred in 1890-91, his son, the 1st Respondent, was, in pursuance of the order of Government dated 28th July 1890, put in possession of the office.

2. The appellants, who are the sons of one Ramanna who performed the duties of the office under the orders of the Amildar Superintendent from 1842 to 1856 and again from 1858 to 1870,

filed suit to recover possession of this Office. The Assistant Commissioner who tried the suit ~~ordered~~ was of opinion that both the parties should be entered in the Register as Haldars, though the appellants were in no way related to the Haldars family; but the Deputy Commissioner, on appeal, preferred by both parties, dismissed the suit, on the ground that the ~~adoption~~ alleged by the suit was, during the lifetime of Bhawani order of dismissed ~~had been~~ recognised by Government ~~settlement~~ so as to entitle her to ~~Admin~~ succession to the office on her death

At once this appeal is filed.

3. The order of Government dated 23rd July 1870 was passed after a full consideration of the facts of the case and after hearing the Counsel for the Plaintiff and Respondents. That order was final and the present suit to have it set aside ~~is not maintainable~~ ~~cannot be entertained~~

4. The appeal is thus rejected.

By Order

+ Vernacular files

22/2/96

772 of 1895-96 / 25-2-96

To the Secretary to the Govt. of Bombay in the Judicial Department, Bombay

Sir,

I have the honour to forward herewith a copy of the Judgment, Bombay High Court, in the above case.

I have the honour to be,
Sir,
Your most obedient servant,

× sent by parcel today 2/13/96.

25/2/96

20-ಮಾರ್ಚ್
13-3-96

ನಂಬರ್ 12 ಎ.ಆರ್.ಎ 3

43

L.R. 135-94-5

ಶ್ರೀಮಾನ್ ಜಿಲ್ಲಾ ಕಲೆಕ್ಟರ್ ಸಾಹೇಬರವರಿಗೆ

ಕಿವಿಮಾತು ಕಾಲ್ಲೂಕು ಕಡಾಲ್ಲಿ ತಿಕೆ
ಯಲ್ಲಿರುವ 1. ನಂಜೇಗೌಡನ ಪಾಳ್ಯ, 2. ವೆಂಕಟ
ಚಿಕ್ಕಮಾರಯ್ಯ, 3. ವೆಂಕಟಪ್ಪನವರ ಪಟ್ಟಾ
ಜಮೀನುಗಳನ್ನು ಕಾಯಿದೆಯಿಂದ ಕೈಬಿಡುವಂತೆ
ನಿಮಗೆ ವಿಜ್ಞಾಪನೆ ಸಲ್ಲಿಸುವುದು.

ಕಿವಿಮಾತು ಕಾಲ್ಲೂಕು ಕಡಾಲ್ಲಿ ತಿಕೆ
ವಗ್ಗನಹಳ್ಳಿ ಮಾಗಡಿ ಹೋಬಳಿಗೆ ವಿಷ್ಣು
ಯಲ್ಲಿಯೇ ಕೂಡಲು ಕಾಲ್ಲೂ ಡಿಪ್ಪೆಗೆ
ಡಿಪ್ಪೆಗಳು ಕಿಮ್ಮೆಯ ನಾಲವಾಗಿರುವುದಿಂ
ಸಲ್ಲಿಸುವಿಕೆ ಮೇಲೆ ಅರ್ಜಿದಾರರಿಗೆ
ಬರೆದು ಕೊಂಡಿದೆ 29-6-94 ನೇ ತಾರೀಖಿ
ನಿನ್ನ ಅರ್ಜಿಗಳ ಅರ್ಜಿದಾರರನ್ನು ಇದಕ್ಕೆ
ಪ್ರತಿಬಾದಿಸಿ ಚಿಕ್ಕಮಾರಯ್ಯನವರನ್ನು ವಿಚಾರ

ಸಲ್ಲಿಸಿದ್ದು ಅರ್ಜಿಯಲ್ಲಿ 23.7 ಗುಂಟೆ ಪಟ್ಟಾ ಜಮೀನಿನಲ್ಲಿ
ಸಲ್ಲಿಸಿದ್ದು ಅರ್ಜಿಯಲ್ಲಿ ಕೆಲವು ಮೇರೆಯವರು ವಿರೋಧಿಸಿದ್ದು

(25)

/189x

125

Petition
Subj C.S.
23/12/97

References
96
1/98 L.R. 135-4-4-6

Ans
Urv: no 5634 & 4-12-96
P. 958

Issued
10/1/98 P.T. 3387 1/96 last ref.
07 Stamps relating to the
Subject is put with

Ans
14/1/98.
Enclo
Application for revision
of Govt P-no 4775 of 25.2.96
(Serial no 2e) P-M-56-95
Stamped Paper Rec

96
15-1-98

1) 10 days time
2) out of time by 1 year 7 months
3) Application for renewal of
writ by 2 years
4) Time
The order appealed for renewal
which is made ex-parte on
are confirmed the order of 1896 (Serial
6) Are applications for renewal
the order have rejected in 1891
(Serial no 11) Have the other parties
Complied with (were heard in 1896 & this
been time required) and
Ly 26/1/98

Ly 7.15 Pm.
26.1.98.

No. 125

Name of Petitioner Narasayya Rao

Village Kalvakurthy

Taluk Gajapathinagaram

District Vizagapatam

Date of Arzi 8-1-98

Date of Receipt 13-1-98

Date of Disposal

No. of Enclosure one file

ABSTRACT

Review petition against the judgment of the Govt: in Rev: Appeal no: 1 of 95-96 (94-95) in re the Shanbhoga's hak of the petitioner of Kalvakurthy & other Villages on the following grounds:-

(1) That in the deceased Byraju Shanbhoga in 1837 during case one Venkataya who a member of the family was installed Shan

(2) That another Narasayya succeeded Venkataya after some time & former

office on account of illness-

(3) That the 2nd Superintendent appointed (Vide order no: 132 dated 6-4-1842) the petitioners father and registered the Shanthore in his name, who held the office till 1890, and on his death, the petitioner succeeded to the office as a claimant (Vide order no 3 of 18-7-90)

(4) That on the appeal of one Byrappa a cousin of the deceased Byrappa claiming the office the Superintendent in his order no: 191 of 12-2-1858, rejected his petition on the ground that the appointment cannot be reverted to the members of the deceased ~~official~~ family and confirmed the petitioners claims -

5) That the petitioner claims the office on the ground of 48 years enjoyment -

6) That Kshethrapalaiya the present office holder, though a minor at the time of his father Byrappa's demise could have asserted his claims long ago when in 1864 the Govt: issued a circular directing the maintenance

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2/

maintaining of the Register of village servants but not when had attained the 30/64 years of age -

(7) That the Govt have in two similar cases ~~in the~~ held that the claim could not be considered ~~held~~ paid under the Limitation Act as it was preferred over 12 years (Vide order No: 3018 of 1891 in the case Shankar Rao of Talukhapur village Tq Kolar Taluk & No 1580 of 95-96 regarding the Municipality of Sira Taluk)

Prays that equitable orders may be passed on perusal of records.

CR
8/6/98

COURT FEE

TWO RUPEES

41/1/97

DEWAN'S OFFICE
PETITION DEPARTMENT
Regn. No 1625
3-1-98

No 130

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1895-96 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

I [illegible]

[illegible] 1837 [illegible]

[illegible]

II [illegible]

[illegible]

[illegible]

III [illegible] 1542 [illegible] 132 [illegible]

[illegible]

[illegible] 1890

[illegible] 20 [illegible] 1890 [illegible]

[illegible] 18 [illegible] 13 [illegible]

[illegible]

IV [illegible] 1856 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1858 [illegible] 12 [illegible] 191 [illegible]

[illegible]

[illegible]

ਸਾਰਾ ਸਿਰਫ਼ ਸਾਰਾ ਹੀ ਸਾਰਾ ਸਿਰਫ਼ ਸਾਰਾ ਹੀ ਸਾਰਾ ਸਿਰਫ਼ ਸਾਰਾ ਹੀ ਸਾਰਾ

ਚੰਦਰ ਚੰਦਰਮਾ ਚੰਦਰਮਾ ਚੰਦਰਮਾ

P.

(24)

50

L.R. 135-94-7

ಹುಜೂರ್ ದಿವಾಣ ಕಚೇರಿಯಿಂದ.

ಗೆ ಯಿಂಡಾರ್ನ ಸುಕುಂ.

ಕಳಿಸಿದೆ

ನಿಮ್ಮ ಅರ್ಜಿಯಲ್ಲಿ ಬರದುಕೊಂಡ ಪ್ರಕಾರ ಕ್ರಿಯಾದಿ ಮಾಡಿಕೊಡಬೇಕೆಂದು ನೀವು

8-7-97 ನೇ ತಾರೀಖಿನಲ್ಲಿ ಬರದುಕೊಂಡ ಪ್ರಜಿ ಕ್ರಿಯಾದಿ ಮುಕಾರಾತಿ ರೀಜಂಟರವರ ಸನ್ನಿಧಿಯಲ್ಲಿ ವ್ಯತ್ಯಯವಾಗಿ, ಈ ಪ್ರಜಿಯಲ್ಲಿ ನಮೂದಿಸಿರುವ ಸಂಗತಿಗಳ ಸತ್ಯಾಸತ್ಯತೆಯಿಂದ, ~~ಪ್ರಾರ್ಥನೆಯ~~ ದಲ್ಲಿ ~~ಪ್ರಾರ್ಥಿಸಿರುವಂತೆ~~ ಶಿರಸ್ತೇದಾರನು ಮಜಾರಾತಿ ಕ್ರಿಯಾದಿ ಮುಕಾರಾತಿ ರೀಜಂಟರವರು ತೀರ್ಮಾನಿಸಿರತಕ್ಕ ಅಂಶವನ್ನು ನಿನಿಗೆ ತಿಳಿಸಿರುತ್ತೆ. ನಿನ್ನ ಅರ್ಜಿ ಮಜಸ್ಮಾಬಿಗಳನ್ನು ದಾಖಲು ಮಾಡಿರುತ್ತೆ.

ಬಕಾರೀಖಿನು —3— ನೇ ಮಾಹೆ ಫೆಬ್ರವರಿ

ಸ್ವ 1898ನೇ ಇಸವಿ ನೊಕ್ಕಾಂ ಬೆಂಗಳೂರು

By Order,

Secretary.

ಇಂತಿ ಕಾರ್ಯನಿರ್ವಾಹಕ

5-2-98